

Alcatel-Lucent
Open Standards Statutory Proposal

Use of standards.—

(A) In general.—The Corporation shall use voluntary consensus standards that are developed or adopted by voluntary consensus standards bodies as a means to carry out its responsibilities under this Act.

(B) Use in RFPs.—The Corporation shall mandate in any request for proposal for the network that entities responding to such request shall utilize and comply with all relevant voluntary consensus standards adopted by the Corporation.

(C) Exception.—

(i) If compliance with subparagraph (A) is inconsistent with applicable law or otherwise impractical, the Corporation shall—

(I) notify NIST of its determination of that fact and request permission to use technical standards that are not developed or adopted by voluntary consensus standards bodies; and

(II) include a detailed explanation for why use of a voluntary consensus standard is impractical or inconsistent with applicable law and identify the alternative technical standard which the Corporation proposes to adopt.

(ii) The Corporation shall not adopt or utilize any such alternative technical standard until authorized to do so by NIST.

(D) NIST monitoring.—

(i) NIST shall be responsible for monitoring Federal, State, regional, and local activities related to planning, development, construction, operation, and maintenance of the network to ensure all relevant entities utilize and comply with all voluntary consensus standards adopted by the Corporation under this paragraph.

(ii) If NIST determines that a Federal, State, regional, or local agency, or other entity, has failed to comply with a voluntary consensus standard in conjunction with the network, it shall report such non-compliance to the Corporation in writing and provide a copy of such report to the entity that has failed to comply with the voluntary consensus standard.

(E) Non-compliance.—

(i) The Corporation shall be responsible for remedying any non-compliance associated with a voluntary consensus standard within 90 days of the receipt of any report from NIST under subparagraph (D).

(ii) The Corporation may terminate, upon 30-days notice, a contract with any entity found to be in non-compliance with a voluntary consensus standard adopted under this paragraph.

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(F) Definitions.—As used in this paragraph—

(i) “Impractical” means circumstances in which use of a voluntary consensus standard would fail to serve the Corporation’s program needs; would be infeasible; or would be inadequate, ineffectual, inefficient, or inconsistent with the Corporation’s mission.

(ii) “Technical standards” means performance-based or design-specific technical specifications and related management systems practices.

(iii) “Voluntary consensus standard” means a standard developed or adopted by voluntary consensus standards bodies, both domestic and international and includes provisions requiring that owners of essential intellectual property have agreed to make that intellectual property available on a reasonable and non-discriminatory basis, with or without compensation, to all interested parties.

(iv) “Voluntary consensus standards body” means a domestic or international organization which plans, develops, establishes, or coordinates voluntary consensus standards using agreed-upon procedures.